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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MOHAMED SALEH, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

UDEMY, INC.,

Defendant.

CIVIL ACTION NO. 23-cv-23-cv-02207

Civil Action

**DEFENDANT UDEMY, INC.’S NOTICE  
OF CLAIM OF  
UNCONSTITUTIONALITY PURSUANT  
TO FEDERAL RULE OF CIVIL  
PROCEDURE 5.1 AND LOCAL CIV. R.  
24.1**

Pursuant to Federal Rule of Civil Procedure 5.1(a) and Local Civil Rule 24.1, Defendant Udemy, Inc. (“Udemy”) hereby gives notice that, in the above-captioned case, its Answer and Affirmative Defenses draw into question the constitutionality of the Video Privacy Protection Act (“VPPA”), 18 U.S.C. § 2710, on its face and as applied. Specifically, Udemy’s affirmative defenses raise the question of whether the VPPA is unconstitutional because it violates the First Amendment to the United States Constitution:

*[REMINDER INTENTIONALLY LEFT BLANK]*

Respectfully submitted

DATED: May 24, 2023

**COLE SCHOTZ P.C.**

By: /s/ Jamie P. Clare  
Jamie P. Clare, Esq.  
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Of Counsel:

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**CERTIFICATE OF SERVICE**

I, Eamonn Hart, hereby certify that on May 24, 2023 I caused to be mailed, by certified mail, a true copy of the following documents:

1. Defendant Udemy, Inc.'s Notice of Claim of Unconstitutionality Pursuant to Federal Rule of Civil Procedure 5.1 and Local Civ. R. 24.1
2. Defendant Udemy, Inc.'s Answer and Affirmative Defenses

on the parties listed below by certified mail:

Merrick Garland  
U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 90530-0001

Philip R. Selinger  
U.S. Attorney for the District of New Jersey  
970 Broad St, 7th Floor  
Newark, NJ 07102

Dated: May 24, 2023

By: /s/ Eamonn Hart